

**Board Members**

Ramona Mellott, Ph.D.  
Chairperson  
Cheryl L. Karp, Ph.D.  
Vice-Chairperson  
Frederick S. Wechsler, Psy.D. ABPP  
Secretary  
Bob Bohanske, Ph.D.  
Janice K. Brundage, Ph.D.  
John P. DiBacco, Ph.D.  
Joseph C. Donaldson  
Megan Hunter-Williams  
Daniel Larson



**State of Arizona  
Board of Psychologist Examiners**

1400 West Washington, Suite 235  
Phoenix, Arizona 85007  
Phone: (602) 542-8162 Fax: (602) 542-8279  
[www.psychboard.az.gov](http://www.psychboard.az.gov)

**Staff**

Dr. Cindy Olvey  
Executive Director  
  
Meghan Hinckley  
Deputy Director  
  
Marcus E. Harvey  
Investigator

**REGULAR SESSION MINUTES**

August 6, 2010

Executive Tower  
Third Floor Conference Room, #312  
1700 W. Washington  
Phoenix, AZ 85007

**1) CALL TO ORDER**

The regular session of the Arizona Board of Psychologist Examiners was called to order by Chairperson Mellott at 8:42 a.m. on August 6, 2010. Three Executive Sessions were held at 9:08 a.m., 9:39 a.m., and 3:25 p.m.

**2) ROLL CALL**

**Board Members Present**

Ramona N. Mellott, Ph.D. - Chairperson  
Cheryl L. Karp, Ph.D. - Vice-Chairperson  
Frederick S. Wechsler, Psy.D. – Secretary  
Asst.  
Janice K. Brundage, Ph.D.  
John P. DiBacco, Ph.D.  
Megan Hunter-Williams  
Daniel Larson

**Board Staff Present**

Dr. Cindy Olvey, Executive Director  
Meghan B. Hinckley, Deputy Director  
Heather Duracinski, Administrative

**Attorney General’s Office**

Jeanne Galvin, Esq.  
Assistant Attorney General

**Board Members Absent**

Bob Bohanske, Ph.D.  
Joseph C. Donaldson

**3) REMARKS/ANNOUNCEMENTS**

- **CE Documentation** - Chairperson Mellott announced that licensees could receive Continuing Education (CE) credits in Ethics for their attendance at Board meetings. Chairperson Mellott explained that, in order to obtain credit, licensees must register on the CE roster, complete the three page CE record form, have the first page signed and stamped with the validation stamp, keep the first page, and submit the remaining pages to a Board staff member, who will stamp the CE validation form. Licensees are eligible to receive two credits for attending the morning or afternoon session, and four credits for attending both the morning and afternoon section.
- **Board Assessment Forms** - Chairperson Mellott announced to members of the public audience that the Board appreciates feedback regarding meetings. Chairperson Mellott encouraged

members of the audience to complete a Board Meeting Assessment Survey and place completed surveys in the box outside the Board room.

- **Board Member and Staff Appreciation, Announcements** - Chairperson Mellott thanked Board staff for their dedication and hard work. Chairperson Mellott also thanked the Board members for all of their hard work on the various committees including the Complaint Screening Committee and the Applications Review Committee. In addition, Chairperson Mellott announced the Ms. Duracinski has resigned her position with the Board office as she will be moving to Oregon in September. Chairperson Mellott express gratitude for all of Ms. Duracinski's hard work during her tenure and, on behalf of the Board, wished her well in all her future endeavors.

- **Board Welcome to Behavior Analysts**

Chairperson Mellott announced that, effective July 1<sup>st</sup>, the Board is now responsible for licensing and regulating the profession of behavior analysis. Chairperson Mellott welcomed the behavior analysts on behalf of the Board members and its staff. Chairperson Mellott stated that in the coming weeks, the Board and its staff would be diligently developing an application for behavior analysts to be placed on the website for applicants, as well as discussing fees and the future development of rules.

#### 4) CALL TO THE PUBLIC

Chairperson Mellott gave the public an opportunity to address the Board at this time. Dr. Faren Akins, liaison for AzPA, announced that they would be hosting a Psychology in Politics Day at the Capitol and invited members and the public to attend on February 22, 2011 in the same conference room as today's meeting of the Board.

#### 5) COUNSEL REPORT

Ms. Galvin reported to the Board that Dr. Gloria Bernat has filed an appeal with the Board regarding the decision to deny her renewal application. Ms. Galvin noted that she and Board staff are working to schedule a formal hearing.

#### 6) CONSENT AGENDA

Dr. Wechsler noted that on the July 1, 2010 Regular Session Minutes, he was absent, and therefore could not sign them. Board staff indicated that those minutes will be sent to Dr. Karp, the Vice-Chairperson, for signature instead. Mr. Larson made a motion, seconded by Dr. DiBacco, accept and approve the items on the consent agenda. The motion carried (7-0) with Mr. Larson and Dr. Wechsler recused from the July 1, 2010 Executive Session minutes.

(a) **APPROVAL OF MINUTES**

- Regular Session Minutes – July 1, 2010
- Executive Session Minutes – July 1, 2010

(b) **DISCUSSION/DECISION REGARDING APPLICATIONS**

➤ **REQUESTING APPROVAL OF EXAM & LICENSE**

Suzana Adams, Psy.D.  
Jennifer Gray, Ph.D.  
Amy L. Knapp, Psy.D.  
Douglas A. Malm, Psy.D.

➤ **REQUESTING LICENSURE BY WAIVER**

Amy Greaves, Psy.D.  
Shana Helmholdt, Psy.D.

**(c) DISCUSSION/DECISION REGARDING REQUEST FROM DR. RAMONA GAYLE-JEFFERSON FOR AN EXTENSION OF TIME TO TAKE THE EPPP EXAM**

**(d) EXECUTIVE DIRECTOR'S REPORT**

**(e) INVESTIGATIONS REPORT**

**(f) LICENSING REPORT**

**7) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING ASPPB ANNUAL MEETING**

Dr. Olvey announced that ASPPB's Annual Mid-Year Meeting will be held October 17 – 21, 2010 in Savannah, Georgia. The theme of this year's conference is "Back to the Future," which will recognize 50 years of regulation of the profession of psychology. Topics will include trends in regulation, telepractice, distance learning, and supervisory requirements. Dr. Olvey indicated that there is currently no funding in the budget for out-of-state travel for Board members or staff. Individual Board members may attend at their own expense. Cost information was discussed. Chairperson Mellott reported that she planned to attend and encouraged Board members to attend.

**8) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SUPERVISED PREINTERNSHIP EXPERIENCE VERIFICATION FORM**

Chairperson Mellott summarized that, at the April 30, 2010 Board meeting, Dr. Richard Morris, Professor and Director of the School Psychology Program at the University of Arizona, submitted correspondence requesting clarification of the Supervised Pre-Internship Experience Verification form. Specifically, he requested information regarding students who do not receive course credit for practicum experiences. At the April 30<sup>th</sup> meeting, Board members reviewed and discussed making modifications to the form. Dr. Mellott had indicated that she and Dr. Olvey would re-visit the form and make recommendations to the Board at a future meeting.

Dr. Olvey noted that, although A.R.S. § 32-2071(E) does not require that an applicant must have been enrolled in a preinternship experience for credit, it does require that "...experiences shall reflect a faculty directed, organized, sequential series of supervised experiences of increasing complexity that follows appropriate academic coursework and prepares the applicant for internship." The item in question attempts to address the need to ensure experience is tied to the applicant's program of study.

Chairperson Mellott and Dr. Olvey modified the Supervised Pre-Internship Experience Verification form to include an asterisk with a note immediately following the item in question, which requests the applicant attach an explanation if the preinternship experience was not taken for credit and, as a result, does not appear on the transcript. This allows the applicant and/or Training Director of the program to provide a letter and any further documentation attesting that the experience was tied to the applicant's program of study. In addition, there was a revision to question #9 to exclude any supervision provided via telecommunication or other electronic means, as telesupervision is permitted only for Internship and Postdoctoral experiences.

At this time, Chairperson Mellott asked for Board member comment regarding the changes. Dr. Wechsler commented that the changes to the form allows the student to attach an explanation, but does not confirm that the Training Director has read the form as well as the material attached by the applicant. Chairperson Mellott suggested adding a question to the form specifically for the Training Director of the program to complete, that states "I have read and attest to the contents of this form and all attachments." Dr. Wechsler agreed that would be an appropriate change to the Supervised Pre-Internship Experience Verification form. Dr. Olvey and Chairperson Mellott noted they would revise the form and place it on a future agenda for review and finalization by the Board.

**9) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REPORT & FINDINGS SUBMITTED BY MICHAEL REDIVO, Ph.D. RELATING TO ARNOLD THAW, Ph.D. AND ORDER NO. 07-36**

Dr. DiBacco recused himself from this agenda item.

Chairperson Mellott summarized that on July 1, 2010, the Board office received the first practice management report from Dr. Redivo regarding Dr. Thaw and his Order No. 07-36. Within the report, Dr. Redivo expressed some concerns. Chairperson Mellott reported that upon receipt and review of the report, Board staff forwarded it to the Board's attorney, Ms. Galvin, and to the Board Chairperson. The matter was placed on the Board's agenda for further review and discussion.

Dr. Thaw was present and accompanied by his Office Manager, Ms. Barbara Neau. Dr. Thaw made a brief presentation to the Board regarding his current status.

At 9:08 a.m., Dr. Karp made a motion, seconded by Dr. Brundage, to move into Executive Session for the purposes of review confidential records and/or obtaining legal advice from the Board's attorney. The motion carried (7-0). The Board returned to open session at 9:25 a.m. Dr. Wechsler noted that Dr. Redivo was on his way to the meeting to speak to this item. The Board moved to discuss an additional agenda item until Dr. Redivo arrived.

At 9:39 a.m., with Dr. Redivo in attendance, Dr. Wechsler made a motion, seconded by Dr. Brundage, to move into Executive Session for the purposes of reviewing confidential records with Dr. Redivo and Dr. Thaw, and for obtaining legal advice from the Board's attorney, if necessary. The motion carried (7-0). At 10:01 a.m., the Board returned to Open Session for discussion and deliberation.

Dr. Wechsler opened the discussion by thanking Dr. Thaw for his many contributions to the profession of psychology over the years, especially in the area of Gestalt therapy. Board members discussed adding bi-monthly supervision to the current Order for Practice Management, making the posted informed consent form available for patient review and signature, and audio taping sessions for review by the supervisor.

Dr. Wechsler made a motion, seconded by Dr. Brundage, to amend Dr. Thaw's current Consent Agreement and Order No. 07-36 to include the requirement that Dr. Thaw audio tape all client therapy sessions and submit them, on a weekly basis, to a supervisor for review; Dr. Thaw engage a licensed psychologist, approved by the Board as a supervisor, twice monthly for individual, face-to-face, contemporaneous supervision, for a minimum of one hour to review tapes and discuss methods of improving delivery of service to clients; supervisor will submit monthly supervision reports to the Board regarding Dr. Thaw's progress. Dr. Thaw will have each client read and sign an informed consent to be placed in the client's file. The Board added that the supervisor may be the same licensed psychologist as the practice monitor, if the practice monitor agrees; all costs associated with the amendments to the Consent Agreement and Order will be at the expense of Dr. Thaw. Lastly, the new requirements added are in addition to the existing Consent Agreement and Order for Practice Monitoring which does not toll the previous requirements therein. The motion carried (6-0) with Dr. DiBacco recused.

**10) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING RULE MAKING INCLUDING SEEKING EXCEPTION TO RULE MAKING MORATORIUM**

Dr. Olvey reported a moratorium on rule-making has been in effect since January 2009. Last year, the Board wrote a letter to the Governor's Office requesting an exemption to the rulemaking process in order to write rules for the statutes that went into effect as a result of HB 2206. The Board did not

receive a response from the Governor's Office regarding the exemption request and thus rules have not been developed. Dr. Olvey explained that Session Law regarding behavior analysts exempt the Board from rulemaking requirements until September 30, 2012. Since the rulemaking process can be time consuming and there is a deadline of 2012, the Board will need to begin the rulemaking process soon. Dr. Olvey recommended that the Board direct staff to send a letter to the Governor's Office requesting an exemption to the rulemaking moratorium based upon the statutory deadline. Dr. Olvey also suggested requesting an exemption to change the psychology rules as well since the rulemaking process would already be underway for behavior analysts. Dr. Karp made a motion, seconded by Dr. Brundage, to approve Dr. Olvey writing a letter to the Governor's Office requesting an exemption from the rulemaking moratorium. The motion carried (6-0) with Dr. Wechsler abstained.

#### **11) INFORMAL INTERVIEW – MAMIKO ODEGARD, Ph.D. RFI NO. 09-48**

At 10:35 a.m., Chairperson Mellott announced that this was the time and place scheduled for the Informal Interview of Dr. Mamiko Odegard in reference to RFI No. 09-48. Dr. Odegard was present with her attorney, Mr. Charles Hover, and introduced themselves for the record. The complainant, C.B., was also present. The licensee, her representative and the complainant were sworn in at this time by Chairperson Mellott.

Dr. Karp provided a summary of the allegations against Dr. Odegard including but not limited to, engaging in multiple relationships by counseling various family members of the same family, divulging confidential information during court testimony and without consent, and possibly falling below current standards of practice in this case.

Dr. Odegard and her attorney made a brief presentation and noted that they would answer any questions regarding the case. Chairperson Mellott invited Board members to ask any questions prior to deliberations. After a period of questioning the Licensee and Complainant, Chairperson Mellott moved Board members into the deliberation stage of the Informal Interview.

Dr. DiBacco expressed concern that Dr. Odegard had experienced some "clinical drift" into the area of forensic psychology which was not her expertise. In addition he noted the case was fraught with multiple relationships, which did not afford Dr. Odegard the ability to remain objective in her therapy with various members of the family. Dr. Wechsler expressed concern that Dr. Odegard may not have kept current on her CE over the course of her career which could have added to the multiple relationships issues. Dr. Wechsler also commented that he felt Dr. Odegard did not truly understand the impact of her actions in this matter. Mr. Larson noted that the clinical notes failed to diagnose the Complainant's "anger and rage" issues, even though she was his therapist for six years. Mr. Larson expressed that Dr. Odegard did not appear to be forthright in her testimony to the courts regarding this matter. Chairperson Mellott expressed that the case surrounds the issue of dual/multiple relationships.

Dr. Karp Made a motion, seconded by Dr. Wechsler, to adopt the Findings of Fact and Conclusions of Law in that Dr. Odegard in violation of the following statutes: A.R.S. § 32-2061(13)(b) for betraying professional confidences and failing to obtain Complainant's consent prior to testifying in court in addition to divulging confidential information by contacting the children's mother and alerting her to Complainant's stated intention to pick the children up for visitation and not return them. While Licensee expressed concern over the potential harm to the children by betraying the confidence, her actions failed to meet the standard for a psychologist's duty to warn; A.R.S. § 32-2061(13)(o) for the manner in which the Licensee terminated the long-term patient relationship with Complainant (via email and telephone) and failing to provide complainant with referrals for alternate therapeutic services. In addition, Licensee failed to obtain Complainant's consent before testifying in court as a fact witness on behalf of Mother; A.R.S. § 32-2061(13)(t) for failing to contact appropriate law enforcement agencies when she believed Mother and the children were in eminent danger in light of the statements made by Complainant; A.R.S. § 32-2061(13)(dd) for engaging in multiple relationships and counseling multiple members of the same family, while being the primary counselor for the Complainant; Dr. Odegard acknowledged that, she

was at various times also counseling up to five other members of Mother's family, including Mother and Mother's parents. The motion carried (7-0).

Dr. DiBacco made a motion, seconded by Dr. Brundage, to offer Dr. Odegard a Consent Agreement and Order for Probation and Supervision for one year, with individual face-to-face supervision meetings twice monthly for a minimum of one and one-half hours each, for the first six months. The Board approved supervisor would serve as a monitor for Dr. Odegard, especially when providing therapy in the areas of custody matters, marital/couple issues, trust concerns and anger counseling. In addition, as a self-study, Dr. Odegard would update and increase her knowledge of a psychologist's responsibility regarding duty to warn and the corresponding duty to inform appropriate law enforcement agencies of potential harm. Dr. Odegard's self-study would also include knowledge of informed consent when treating couples individually/conjointly as well as treating more than one member of a family simultaneously. Dr. Odegard will review her updated self-study knowledge with her Supervisor wherein they will include her progress in these areas in one or more of the required reports. Lastly, the appointed Supervisor would provide written quarterly reports to the Board regarding Dr. Odegard's progress. At the end of six months, Dr. Odegard may petition the Board for early release from the Consent Agreement and Order for Probation. The motion carried (7-0).

## **12) RECESS**

At 1:35 p.m., the Board recessed for lunch. The Board reconvened in open session at 2:00 p.m.

## **13) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATIONS:**

### **a) David Maselli, Ph.D. – RFI No. 10-01**

Chairperson Mellott requested that this matter be postponed and placed on a future agenda for discussion and possible action. Chairperson Mellott noted that Dr. Maselli and his attorney were present for this matter but had to leave early due to time constraints.

### **b) Joseph Parham, Ph.D. – RFI No. 10-08**

Dr. Olvey summarized the case for Board members. Dr. Parham was present and made a brief statement to the Board. After a verbal exchange of questions, Board members expressed that, although Dr. Parham had his license revoked by this Board in 1997, he may be in violation of statutes or rules of the Board of Behavioral Health Examiners due to his calling himself a "counselor" without the benefit of licensure. Chairperson Mellott made a motion, seconded by Dr. DiBacco, to dismiss RFI No. 10-08, and directed staff to refer this matter to the Board of Behavioral Health Examiners for possible investigation.

## **14) INFORMAL INTERVIEW – JEAN HODGSON, Ed.D. RFI NOS. 09-39 & 10-07**

At 2:39 p.m., Chairperson Mellott indicated that the next item is the Informal Interview of Dr. Jean Hodgson, Ed.D. in reference to RFI Nos. 09-39 and 10-07. Chairperson Mellott noted that the purpose of the Informal Interview was to inquire into the facts and circumstances surrounding the cases. Chairperson Mellott announced that the Board members have received and reviewed all of the materials and any additional submissions. Dr. Hodgson was present and introduced herself for the record. The Board and its staff introduced itself.

Chairperson Mellott read the list of allegations and possible violations against Dr. Hodgson including but not limited to A.R.S. § 32-2061(13)(dd) as it pertains to the APA Code of Ethics 3.05(a) by entering into a dual relationship with K.S., father of her patient, C.S., and A.R.S. § 32-2061(13)(bb) for possibly failing to comply with a Board subpoena.

At this time, Chairperson Mellott swore Dr. Hodgson in and asked if she had reviewed all the records and materials in this case. Dr. Hodgson affirmed that she had been reviewing them for the past eight months. Chairperson Mellott invited Dr. Hodgson to make any opening remarks.

Dr. Hodgson expressed she felt sure she had stated everything she wanted to say in her letter. Dr. Hodgson elaborated she felt the evidence was overwhelming and she had explained the issues with subpoenas thoroughly and to the best of her ability.

Dr. Brundage summarized RFI No. 09-39 wherein the complainant, K.S., alleged Dr. Hodgson entered into a business contract for work to be done on her house, then failed to remit payment upon completion. K.S. noted that his daughter was a patient of Dr. Hodgson's. During the course of the initial investigation, Dr. Hodgson failed to produce client records as requested by the Board in the initial investigation letter. Dr. Brundage reported that at the December 9, 2009 Complaint Screening Committee (CSC), Committee members voted to forward this case to the full Board and directed Board staff to issue Dr. Hodgson a subpoena for the client records of C.S. with a deadline of December 29, 2010. Dr. Hodgson requested an extension, which was granted, and was given a new deadline of January 15, 2010. On December 30, 2009, Dr. Hodgson then requested that the subpoena be quashed or limited citing the relevancy of the client records to the investigation; Board staff informed Dr. Hodgson that her request could be heard at the January 4, 2010 telephonic meeting, but she would have to waive her noticing rights. Dr. Hodgson declined to waive her noticing rights. On January 5, 2010, Dr. Hodgson requested a second extension on the subpoena, wherein she was informed by Board staff the request would need to be considered by the full Board. Board staff reported that the request could be considered at the February 5, 2010 Board meeting but that the January 15, 2010 deadline for the subpoena remained in effect. Dr. Brundage stated that on January 15, 2010, Dr. Hodgson failed to produce the records in accordance with the January 15, 2010 subpoena. At the February 5, 2010 meeting, the Board voted to deny Dr. Hodgson's request to quash/limit the subpoena, denied the request for an extension of time, and directed Board staff to initiate a new investigation for failure to comply with a Board subpoena, and issue a new subpoena requesting the client records with a deadline of February 24, 2010. Dr. Brundage reported that on February 20, 2010, Dr. Hodgson requested an extension on the February 9, 2010 subpoena. Board staff informed Dr. Hodgson her request could be heard at the March 5, 2010 Board meeting, but that the February 24, 2010 deadline remained in effect. Dr. Hodgson sent partial records to the Board on March 2, 2010.

Dr. Brundage reported that at the April 30, 2010 Board meeting, Dr. Hodgson was issued a new subpoena to appear with the original patient records of C.S. at the Board office, for Board staff and a Board member to review their authenticity. Dr. Wechsler was in attendance and reported that on June 21, 2010, Dr. Hodgson complied with the subpoena to appear, and, while her patient records proved authentic, their content revealed serious record keeping issues including a lack of updated medical record keeping knowledge. Dr. Wechsler noted that the records inspected revealed a narrative describing treatment rather than progress notes, specifically, there were no notes tied to each date of a session, there were 52 sessions represented, covering the time period from 10/24/00 to 02/28/02, and only 3 dates were documented. In addition, Dr. Wechsler noted there was no signed informed consent forms within the medical record. At this meeting, Dr. Hodgson explained that there was an office procedures form within the file and indicated that she did not have signed informed consents, but the parents were given verbal informed consent prior to treatment of the minor child. Dr. Wechsler relayed Dr. Hodgson's explanation that she was planning on writing an article for publication regarding the child's case and that she re-wrote the therapy sessions in a "meaningful way" for herself. Dr. Wechsler confirmed that, when asked about the original records, Dr. Hodgson stated that she had destroyed them after re-writing them. She noted that the original records were "just hand-written notes that she had written down," and she had done subsequent work on the case since she planned on publishing an article. She described what she gave him a "treatment summary." Dr. Wechsler stated that the law requires that for each billed therapy session, there needs to be a dated written summary of the session, which was not provided in the records submitted for review. During the inspection of records on June 21, 2010, Dr. Hodgson stated to Dr. Wechsler that there were "no clear guidelines on record keeping." Dr. Wechsler informed Dr. Hodgson that APA has had record keeping guidelines for many years, pre-

dating 1996. Lastly, Dr. Hodgson informed the Board staff and Dr. Wechsler that she did not follow HIPAA guidelines because she did not deal with insurance companies. Dr. Wechsler stated that, while the records were authentic, they were not up to the standard of care.

Chairperson Mellott invited Board members to ask any questions of Dr. Hodgson prior to Board deliberations.

Dr. Brundage noted that upon first review of this case at the CSC meeting on December 9, 2009, Dr. Hodgson reported she had destroyed the original records of this patient because she was only required to maintain them for "six or seven years." When Committee members reminded Dr. Hodgson that the patient was a minor at the time of treatment and that the records of a minor are maintained differently, Dr. Hodgson stated that she may have the original record, but she would have to look in a storage shed. The Committee then subpoenaed the records from Dr. Hodgson; over the proceeding 4 months, Dr. Hodgson gave contradicting reports that she had destroyed the records, then she had found the records. Dr. Brundage also expressed concern that the records produced for review of authenticity were really only a "narrative." Dr. Brundage asked Dr. Hodgson when the "narrative" was written. Dr. Hodgson replied that some of the narrative was done during the sessions, and, due to her implementing new and innovative techniques, she added more information later, and felt that she had done a much better job on the content of the notes by writing them as a summary. She stated that she felt that it was not necessary to keep the original progress notes, because she had included everything that was necessary within the summary.

Dr. Brundage asked Dr. Hodgson's knowledge of medical records retention currently in the State of Arizona. Dr. Hodgson replied that the medical records retention is seven years after the last date of service for an adult and three years after the minor becomes an adult for the records of a child. She stated, "I had the knowledge once, but I never had to use it before." Dr. Brundage noted that while Dr. Hodgson did answer the question, she answered it partially incorrectly. Dr. Brundage explained that, currently in the state of Arizona, records retention for an adult is six years, and that Dr. Hodgson was accurate in that the records retention for a minor is three years after becoming an adult. Dr. Brundage noted that the explanation given by Dr. Hodgson only "highlights the amount of misinformation" with which Dr. Hodgson approaches the Board.

Dr. Brundage also commented that over the course of these cases, Dr. Hodgson has repeatedly questioned the Board and its staff as to whether they have reviewed the materials she has submitted, sent emails sometimes in excess of 8 pages, and challenged staff, as well as stated that communications with the Board leave her "confused, and baffled," and that she needs clarification. Dr. Brundage noted that there were over 540 single space pages of communications in this case, none of which are the patient records originally requested. Dr. Brundage stressed that the message from this Board, from the beginning, was "please give us your records" which has been consistently met with resistance from Dr. Hodgson. Dr. Brundage noted that staff and Board members have spent hundred of hours pouring over these communications and spent countless hours trying to clarify for Dr. Hodgson the reasoning behind the request for the client records, noting only that it leads this Board to question whether Dr. Hodgson's practice is up to current practice standards. Lastly, Dr. Brundage noted that in several communications with the Board and its staff, Dr. Hodgson refers to a "Dr. Bramwell" and "Dr. Graf;" Dr. Brundage notes that there are no Board members or staff with those names, and that, if she were creating communications with a Board who held her license to practice, she would have looked at the letterhead to determine the correct names of those with whom she is communicating. Dr. Brundage stated this gives her further example of how "very, very, questionable Dr. Hodgson's documentation and practice must be." Dr. Brundage noted that she is searching and hoping to hear a valid explanation of how this can occur, especially after hearing the explanation of what Board staff and Dr. Wechsler reviewed regarding her records.

Dr. Wechsler redirected that the issue before the Board is Dr. Hodgson's failure to comply with a Board subpoena and the status of the medical records.

After a period of questioning, Chairperson Mellott moved Board members into the deliberation stage of the Informal Interview.

After a brief exchange, Dr. Brundage expressed concern with Dr. Hodgson's lack of basic medical records knowledge, including the retention schedules for records.

Dr. Karp also expressed concern with Dr. Hodgson's lack of insight regarding the multiple relationships she entered into by hiring the father of the client as her contractor while still providing therapy to the client. She stated that by entering into the relationship, Dr. Hodgson broke trust with the client.

At 3:25 p.m., Dr. DiBacco made a motion, seconded by Dr. Brundage, to move into Executive Session for the purposes of reviewing confidential records and/or obtaining legal advice from the Board's attorney. The motion carried (7-0). The Board returned to open session at 3:31 p.m.

Dr. DiBacco made a motion, seconded by Dr. Brundage, to issue Dr. Hodgson an Order for a Fitness for Duty Examination pursuant to A.R.S. § 32-2081(E) to be completed within 45 days of the date of the Order with the final report from the evaluator submitted for Board review no later than 30 days after completion. The motion included that the Board would provide the names of 3-4 psychologists in the specialty area of fitness for duty evaluations, from which she could choose. It added that the evaluators be located in southern Arizona to accommodate Dr. Hodgson. The motion carried (7-0).

Mr. Larson left the meeting at 3:51 p.m. at the end of this agenda item.

#### **15) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING THE APPLICATION OF DEBRAH DELOS-SANTOS, Ph.D. AND HER REQUEST TO WITHDRAW HER APPLICATION**

Dr. Debrah Delos-Santos was present, with Counsel, Mr. Faren Akins, and introduced themselves for the record.

Dr. Wechsler summarized that Dr. Delos-Santos had previously applied for licensure in Arizona in February 2009, but a review by the ARC and subsequently the full Board revealed that some of her coursework did not fulfill the requirements of Arizona law. Dr. Delos-Santos withdrew her application so that she may remedy the deficiencies and re-apply at a later date. In June 2010, the Board office received information from Gatehouse Academy that Dr. Delos-Santos had an open application pending with the Board and she was issued a provisional license with which she could practice. Gatehouse contacted the Board office for confirmation and verification of the provisional license. Board staff informed Gatehouse Academy that the Board does not issue provisional licenses and furthermore Dr. Delos-Santos did not have a pending application; Board staff informed Gatehouse that she previously had a pending application which she withdrew in December 2009 due to deficiencies in her coursework. Gatehouse reported to Board staff that they were given written documentation from Dr. Delos-Santos on Board letterhead, with a provisional license number. The document was forwarded to the Board for review and authentication.

After review of the document, Board staff replied to Gatehouse that the document supplied to them by Dr. Delos-Santos, was not authentic and was not created by the Board office. In addition, Board staff asked Gatehouse for a written timeline of the circumstances surrounding Dr. Delos-Santos submitting the fraudulent letter to their human resources department.

On June 29, 2010, the Board office received an application from Dr. Delos-Santos wherein Board staff opened and processed it accordingly. Upon the advice of the Board's Counsel and with the information received from Gatehouse, the matter was placed on a Board agenda for further review. In July 2010, Dr. Delos-Santos requested in an email to Board staff, to withdraw her pending application. Board staff informed Dr. Delos-Santos that he request would need to go before the Board pursuant to A.R.S. § 32-2071.01(A)(6).

At this time, Chairperson Mellott noted that Dr. Delos-Santos and her attorney requested to speak to this agenda item. Mr. Akins spoke on behalf of Dr. Delos-Santos and wished that the Board proceed with their decision regarding Dr. Delos-Santos request to withdraw her application. Dr. Mellott requested whether the Board had jurisdiction over the applicant. Ms. Galvin noted that, as an applicant, the Board has jurisdiction over that applicant and the applicant cannot unilaterally withdraw their application unless approved by the Board.

Dr. Wechsler made a motion, seconded by Dr. Brundage, to deny Dr. Delos-Santos request to withdraw her pending application due to the inquiry before the Board. The motion carried (5-1) with Dr. DiBacco voting no.

Chairperson Mellott invited Dr. Delos-Santos and her counsel to make any opening remarks. Mr. Akins noted that he has both a psychology and law degree and clarified that he is before the Board representing his client, Dr. Delos-Santos, as her counsel today. He stated that during the course of this case, new information has come to the forefront that he felt the need to appear before the Board with Dr. Delos-Santos. He deferred to Dr. Delos-Santos for her opening remarks.

Dr. Delos-Santos opened her statement that she was before the board to apologize for her actions. She stated that she had resigned from her position at Gatehouse when she could not provide documentation that she had obtained her Arizona psychology license. She admitted she did falsify the letter from the Board to send to her friend who was the CEO of Gatehouse Academy because “she felt so bad that she had let him down.” She stated that she did not use the letter to fraudulently obtain licensure, but created it to prove to her friend that she was still trying to obtain a license in this state.

Mr. Akins noted Dr. Delos-Santos wanted to withdraw her application out of embarrassment and a true sense of guilt due to the fact that she has invested so much time in seeking licensure through this Board rather than having to come before you today and accept that she has made a terrible mistake on her part. Mr. Akins noted that he received a packet of information, which was also given to the Board, that he believes there is another person involved in this issue. Ms. Galvin noted that the packet was received by her offices from gatehouse Academy, that she herself indexed the items therein, and it was forwarded to all parties involved for review. Mr. Akins specifically noted a letter sent by Dr. Delos-Santos, within the packet that was addressed to “Dave Birchall, CEO Gatehouse Academy” that opens with “Dear Dave” that was sent by Dr.

Dr. Wechsler made a motion, seconded by Dr. DiBacco, to deny her application for licensure pursuant to A.R.S. § 32-2061(13)(c) for fraudulently “doctoring” and disseminating a letter from the Board attesting to provisional licensure. The motion included directing staff to refer this matter to the Board of Behavioral Health Examiners and the Arizona Board of Nursing Examiners.

## **16) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING REGULATION OF BEHAVIOR ANALYSTS – Dr. Olvey**

Drs. Dan Davidson, Brian Davey, and Joe Gentry, who are Board Certified Behavior Analysts, participated in the discussion for this agenda item. Dr. Olvey indicated that an application for licensure had been drafted following statutory guidelines in coordination with Jeanne Galvin, Assistant Attorney General. She recommended that the draft application be posted on the Board’s website for written comment by the public. It was the consensus of the Board that the application is posted on the website with a request for public comment. Key stakeholders will be advised that the draft application is available on the website for public comment.

Dr. Olvey requested Board direction regarding the process for reviewing/approving licensure applications submitted by behavior analysts. The Board discussed using the current Application Review Committee. In the event additional expertise is needed in reviewing an application, behavior analysts may be retained as consultants. The Board discussed developing a list of board certified behavior analysts that would be available to provide consultation to the Board on a rotating basis, in the

event the Committee has questions regarding licensing applications. The Board expressed an interest in including additional discussion and information regarding behavior analysts on a future agenda.

It was the consensus of the Board that proposed fees be included on the website with the draft licensure application in order that the public may also comment on proposed fees. Ms. Galvin recommended that once fees are adopted by the Board, a Substantive Policy Statement be written to communicate this information to the public.

Dr. Mellott invited Dr. Davidson to pose questions to the Board. Dr. Davidson indicated that there are currently 39 board certified behavior analysts on the national website (from Arizona); 17 are eligible for licensure in January 2011, and 22 not eligible. Dr. Davidson expressed concern about those individuals currently receiving services from board certified behavior analysts who will not be eligible for licensure beginning January 1, 2011. The Board discussed exemptions to licensure pursuant to A.R.S. §32-2091.08, services provided under supervision, the fact that behavior analysis falls within the scope of practice of multiple professions. When asked what solutions behavior analysts might recommend within the parameters of the law, Dr. Davidson responded that perhaps those behavior analysts who become licensed could oversee individuals until they are license eligible. Dr. Davidson indicated that he has additional solutions. Dr. Wechsler suggested that behavior analysts provide information about alternative solutions in order to facilitate meaningful discussion. Dr. Mellott suggested that this issue will be considered for further discussion at a future meeting.

**17) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING AUDIT OF CONTINUING EDUCATION AND CONTINUING EDUCATION DEFICIENCIES OF LANA BIOCCA, Ph.D.**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**18) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION APP-10-009 THOMAS SHERIFF, PH.D.**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**19) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING CORRESPONDENCE FROM DR. EDWARD LOVEJOY – Dr. Olvey, Ms. Hinckley**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**20) DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION IN PREPARATION FOR THE 2011 LEGISLATIVE SESSION– Dr. Olvey**

- a. **Changes to statute**
- b. **Proposed changes to renewal process for 2013**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**21) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING INFORMED CONSENT RECORDS**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**22) DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING GUIDELINES FOR BOARD COMPLAINT RESOLUTION**

Due to time constraints, Chairperson Mellott postponed this item for a future meeting.

**23) NEW AGENDA ITEMS FOR FUTURE MEETINGS**

No new items were presented.

**24) ADJOURN**

Dr. Karp made and motion, seconded by Dr. Wechsler, to adjourn the meeting at 5:47 p.m. Motion carried 6-0.

**Respectfully Submitted,  
Frederick S. Wechsler, Psy.D., ABPP  
Board Secretary**